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**Technology, Energy & Communications  
Committee**

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**HB 1008**

**Brief Description:** Concerning permit requirements for small wind energy systems.

**Sponsors:** Representatives Morris, Chase, Upthegrove, Seaquist and Morrell.

**Brief Summary of Bill**

- Provides that local authorities can permit small wind energy systems by ordinance and set limits on how restrictive a local authority can be in such ordinances.
- Provides that no other local ordinance, policy, or regulation may be the basis for a local authority to deny the siting of a small wind energy system.
- Requires local authorities to approve permit applications that meet certain requirements if the local authority has not provided for the permitting of small wind energy systems by ordinance.

**Hearing Date:** 1/26/09

**Staff:** Kara Durbin (786-7133)

**Background:**

A person or entity seeking to construct a small wind energy system generally must secure a permit from the local authority where the system will be constructed. The permit process varies depending on the jurisdiction, and it may include a building permit application process, a conditional use application process, and related administrative hearings.

Energy facilities of any size that exclusively use alternative energy resources, such as wind power, can also opt-in to the Energy Facility Site Evaluation Council (EFSEC) review and certification process. If the applicant chooses to go through the EFSEC process, the applicant must pay for the costs of the EFSEC to process the application.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Summary of Bill:**

A county, city, town, or other local entity with authority to enact construction or building ordinances, permitting, or zoning may provide by ordinance for the installation of a small wind energy system on parcels of land of at least one acre. The local authority may also establish a process for issuing a conditional use permit for a small wind energy system.

If a local authority enacts an ordinance, the ordinance may include various conditions on construction. Any conditions related to notice, tower height, setback, noise level, turbine approval, tower drawings, engineering analysis, or line drawings may not be more restrictive than the following:

- tower heights of up to 65 feet must be allowed on parcels between one and five acres;
- tower heights of up to 80 feet must be allowed on parcels of five acres or more, provided that the height does not exceed the height recommended by the manufacturer or distributor;
- notice to property owners within 300 feet of the property upon which the small wind energy system is proposed;
- setback requirements may not be farther from the property line than the heights of the system, provided that they are in compliance with applicable fire setback requirements;
- noise levels may not exceed 60 decibels, except during windstorms or utility outages;
- certification of the turbine by a national program recognized by the Department of Labor and Industries;
- standard drawings and an engineering analysis showing compliance with the Washington State Building Code;
- line drawings of the electrical components showing compliance with the National Electric Code; and
- the small wind energy system complies with all Federal Aviation Administration requirements if the system is installed close to an airport.

The ordinance may require an applicant to: (1) provide information demonstrating that the system will be used primarily to reduce on-site electricity consumption; or (2) provide evidence that the electric utility that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan to connect to the electricity grid.

If a local authority does not adopt an ordinance, the local authority must approve an application for a small wind energy system if the application complies with all of the following requirements:

- the proposed parcel of land is at least one acre;
- the tower height is not greater than 80 feet for parcels of land less than five acres;
- no part of the system extends closer than 30 feet to the property boundary;
- decibel levels for the system do not exceed 60 decibels, except during utility outages or windstorms;
- the turbine is certified by a national program recognized by the Department of Labor and Industries;
- standard drawings and engineering analysis by a certified engineer are included;
- line drawings of electrical components are included;

- evidence that the electrical utility serving the proposed site has been informed of the applicant's intent to install an interconnected generator, if the applicant intends to connect to the electricity grid; and
- the small wind energy system complies with all Federal Aviation Administration requirements if the system is installed close to an airport.

Additional notice requirements may be required if a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes. In such cases, the local authority shall take reasonable steps to notify pest control aircraft pilots.

If a local authority is amending its zoning ordinances or general plans applicable to small energy wind systems, those ordinances or plans must be consistent these requirements. Less restrictive requirements for the siting and operation of small wind energy systems may be adopted by local authorities.

No other local ordinance, policy, or regulation may be the basis for a local authority to deny the siting and operation of a small wind energy system.

A local authority must review an application for a small wind energy system as expeditiously as possible.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.